

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/695,769

Attorney Docket No.: Q78055

AMENDMENTS TO THE DRAWINGS

FIG. 5 has been amended to refer to reference numerals 122 and 242.

Attachment: One (1) Replacement Sheet

REMARKS

Formalities

After entry of this Amendment, claims 1-12 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1-10, and adding new claims 11 and 12. No new matter is added.

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on October 30, 2003.

The drawings filed on October 30, 2003 are objected to for the reason set forth at pages 2 and 3 of the Office Action. Applicant has amended FIG. 5 to overcome this objection.

The abstract of the disclosure is objected to for the reason set forth at page 2 of the Office Action. Applicant has amended the Abstract to overcome this objection.

The specification is objected to for the reason set forth at pages 3-5 of the Office Action. Applicant has amended the specification to overcome this objection.

Claims 2, 4-5, and 9-10 are objected to for the reason set forth at page 5 of the Office Action. Applicant has amended the claims to overcome this objection.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-3, 5-8, and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kadrmas (USP 3,781,552).

As an initial matter, independent claims 1 and 6 have been amended to recite that the transmitting beam axis incident to the primary optical surface does not coincide with the receiving beam axis incident to the primary optical surface.

With respect to independent claims 1 and 6, Applicant respectfully submits that the claims are patentable at least because Kadrmas does not disclose all of the claimed limitations. For example, Kadrmas does not disclose the claimed telescope or method in which the transmitting beam axis incident to the primary optical surface does not coincide with the receiving beam axis incident to the primary optical surface.

In rejecting claims 1-3, 5-8, and 10 in view of Kadrmas, the grounds of rejection state¹ *inter alia*:

Kadrmas discloses ... that the transmitting beam axis does not coincide with the receiving beam axis (It is noted that the optical axes of both the receivers 72 and the source laser 22 are not coincident).

However, although the optical axes of the receivers 72 and source laser 22 of Kadrmas' first embodiment are not coincident at some points (i.e., when the rays are transmitted by source laser 22 and received by the receivers 72), the axes of the transmitted and received rays *incident*

¹ See Office Action dated May 2, 2005 at page 6 & 7.

to the mirror 50 are coincident. That is, the transmitted and received rays *incident to* the mirror 50 are “rotationally symmetric with the telescope axis” of Fig. 1.²

In addition, it is evident from Kadrmas’ disclosure that the second embodiment also discloses that the axes of the transmitted and received rays that are *incident to* the mirror 114 are also are not coincident. That is, Kadrmas discloses with respect to the second embodiment:

Telescope 80 is in all respects similar to telescope 20 [of the first embodiment] except that it employs only two mirrors in the main telescope optics 110 and does not provide for splitting the transmitted beam to provide substantially constant illumination in the viewed area.

In view of the above, Applicant respectfully submits that independent claims 1 and 6 are patentable over Kadrmas. In addition, Applicant respectfully submits that claims 2, 3, 5, 7, 8, and 10 are patentable at least because of their dependency from one of claims 1 and 6.

Claim Rejection Under 35 U.S.C. § 103

Claims 4 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kadrmas in view of Weiss (USP 3,371,212).

Applicant respectfully submits that claims 4 and 9 are patentable at least because of their dependency from one of claims 1 and 6 and because Weiss, which was cited by the Examiner as showing a transmitting device placed fundamentally in front of the reflecting surface, does not cure the deficiencies in Kadrmas discussed above.

² See Kadramas at 4:3-8 & Fig. 1.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 11 and 12. Applicant respectfully submits that these claims are patentable at least because of their dependency from claims 1 and 6, respectively.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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